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HOUSE RESEARCH ORGANIZATION

daily floor report

Friday, April 19, 2013
83rd Legislature, Number 55
The House convenes at 9 a.m.

Five bills have been set on the daily calendar for second reading consideration today:

HB 362 by Guillen	Transferring adult education from TEA to TWC	1
HB 502 by Hernandez Luna	Adding teeth whitening to the practice of dentistry	7
HB 630 by Larson	Procedures for political parties for filling precinct chair vacancies	9
HB 1325 by D. Miller	Dismissing certain actions arising from exposure to asbestos and silica	12
HB 1752 by Patrick	Creating the Texas Teacher Residency Program	16

The following House committees had formal meetings scheduled for 8:30 a.m.: Criminal Jurisprudence in Room 3W.15 and Public Health in Room 1W.14 (Agricultural Museum).



Bill Callegari
Chairman
83(R) – 55

SUBJECT: Transferring adult education from TEA to TWC

COMMITTEE: Economic and Small Business Development — committee substitute recommended

VOTE: 7 ayes — J. Davis, Vo, Bell, Y. Davis, Murphy, Rodriguez, Workman
0 nays
2 absent — Isaac, Perez

WITNESSES: For — Steve Ahlenius, McAllen Chamber of Commerce; Wanda Garza, South Texas College; Meg Poag, Literacy Coalition of Central Texas; Sheri Suarez Foreman, Houston Center for Literacy; (*Registered, but did not testify*: Melody Chatelle, United Ways of Texas; Lori Donley, Literacy Texas; Steven Johnson, Texas Association of Community Colleges)

Against — None

On — Mary Isabel Garcia; Yvonne ‘Bonnie’ Gonzalez, Workforce Solutions; Leslie Helmcamp, Center for Public Policy Priorities; Cristy Kitchen; Jan Lindsey, TEA; Melissa Sadler Nitu, Texas Council of Adult Basic Education; Sharon Stjohn; Larry Temple, TWC; Greg Vaughn, Texas Association of Workforce Boards

BACKGROUND: The Texas Education Agency (TEA) develops and administers the comprehensive adult education program under Education Code, ch. 29, subch. H. This program emphasizes literacy and the attainment of general educational development (GED) high-school equivalency certificates by participants.

DIGEST: CSHB 362 would transfer the adult education and literacy programs from TEA to TWC.

Granting TWC authority over programs. The bill would give TWC authority to administer adult education and literacy programs. Specifically, TWC would have to:

- provide staffing for the statewide adult education program;

- coordinate comprehensive adult education and skills training with other public and private organizations in the development of related programs;
- administer accreditation and teacher certification for adult education;
- adopt a standardized assessment mechanism for assessing the needs of participants in the program; and
- monitor the educational and employment outcomes of participants and report these findings to the Legislature every two years prior to the beginning of session.

The bill would require that adult education be provided through school districts, community colleges, and other organizations. Bilingual education could be used when it was necessary for a student's development.

The adult education assessment developed by TWC would have to include an initial basic skills screening and provide information about baseline skills before and after participation in the program. TWC would be required to consult with TEA and the Texas Higher Education Coordinating Board (THECB) in aligning its assessment mechanism with those used by higher education institutions so that a student was properly placed in adult basic education or appropriate developmental coursework.

TWC would be required to create an advisory committee made up of people with expertise in adult education, such as adult educators, advocates, providers, and nonprofit leaders. The committee would have a maximum of nine members, including at least one representative of the business community and one of a local workforce development board. The committee would report to TWC at least annually and advise the commission on the following aspects of the program:

- program priorities for developing an educated and skilled workforce in the state;
- curriculum guidelines and standards to ensure a balance of education and workplace skills development;
- improvement of student transitions to postsecondary education and technical education training;
- collection of data on program outcomes through a centralized system; and
- exploration of potential partnerships with nonprofits, businesses, and other entities to improve literacy programs.

The committee would be exempt from the standard state law requirements under the Government Code for state agency advisory committees.

Funding. The bill would require state appropriations to implement the statewide adult education program. These funds would go toward implementing adult basic education, adult bilingual education, high school equivalency, and high school credit programs geared toward eliminating illiteracy and supporting the range of adult education and skills training needs in the state. TWC would have to ensure that providers, from school districts to nonprofit agencies, had equitable access to the funds. Contracts to program providers would have to be awarded through a competitive bidding process.

The Legislature could appropriate additional funds for TWC to provide skills training in support of economic development in TWC-designated locations, industries, and occupations. This skills training would have to support the purposes of the adult education program. The Legislature also could appropriate funds for TWC to provide skills training to encourage increased civilian employment opportunities on U.S. military bases.

TWC would implement performance incentive funding. In annually awarding funds to entities providing adult education services, the agency would be required to reward entities with exemplary performance in delivering services. TWC would be required to establish criteria to evaluate the performance of entities and adopt procedures for taking corrective action against an entity that failed to satisfy these performance criteria, such as discontinuing a funding award.

Repealed provisions and other statutory changes. The bill would repeal Labor Code, ch. 312, which establishes the Interagency Literacy Council to study adult literacy needs of the state and review adult literacy programs administered by TEA, TWC, and THECB.

The bill would amend the Labor Code to add adult education and literacy activities to the list of programs for which TWC could implement a need-based method of allocating federal funds. It also would include the Workforce Investment Act of 1998 as a source of federal funding. In utilizing the need-based method for allocating funds to local workforce development boards, TWC would have to ensure compliance with relevant federal laws, ensure full utilization of available federal funds, and achieve

integrated education and training. The bill would exempt the adult education and literacy programs from statutory provisions related to block grants provided to local workforce development boards.

CSHB 362 would amend or repeal several sections of Education Code, ch. 29, subch. H. to remove TEA's authority to administer the adult education program. It also would remove the authority of the State Board of Education to adopt rules for the program.

Transition provisions. The bill would require that the adult education and literacy programs be transferred to the TWC by January 1, 2014. At least 60 days before the transfer, TEA and TWC would have to enter into a memorandum of understanding that included a timetable and specific steps for TWC to assume authority over items such as contracts and unspent funds relating to the programs. Measures also would be included to prevent any unnecessary disruptions to local adult education and literacy programs.

The bill would take effect on September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 362 appropriately would transfer adult education and literacy programs to TWC, the mission of which is to ensure that the state has a highly skilled, well trained workforce. Texas is falling behind in getting its workforce equipped for high-demand jobs that pay enough to support a family. Certain areas of the state with high dropout rates and low numbers of people with associate's degrees are missing out on opportunities to attract employers. CSHB 362 would be a positive step in the effort to reverse this trend. The bill also would allow TEA to focus more on its mission of ensuring the delivery of high-quality primary and secondary education.

Allowing TWC to assume responsibility for adult education would ensure more effective oversight and more targeted use of the state's adult education funds. With 3,000 employees statewide, TWC is better equipped than TEA to administer this program. Adults seeking employment naturally go through TWC programs, and it makes sense that they would receive education from TWC as well. Community colleges, for example, already work with workforce development boards through the skills development program and are well positioned to also provide adult basic education.

One in five Texas adults does not have a high school diploma. The adult education program currently reaches only a small percentage of that population, estimated at a mere 3 percent in 2011. Any disruption to the program from the bill would be more than justified by improvements to the education of adults who do not have the credentials they need.

CSHB 362 would create an adult education advisory committee, which would provide independent, external advice to TWC on best practices. It also would provide community-based organizations' input into the program. Both would assist TWC in developing an educated and skilled workforce.

TEA does not administer grants in a competitive manner focused on results. It has issued continuation grants to the same 55 provider cooperatives for the past 10 years, which prevents advances in performance sparked by competition. The bill would address this issue by having TWC establish a performance-based funding mechanism when delivering adult basic education funds.

Under the bill, education service centers would remain eligible to provide adult basic education services to students in rural areas and likely would be providers in the absence of a local workforce center. TWC has no plans to remove public school districts and educational service centers as providers.

**OPPONENTS
SAY:**

Adult education and literacy programs should remain at TEA, which has valuable experience administering grants for adult basic education. It takes time for an agency to learn how to administer funds on time and fulfill reporting requirements. In addition, there are numerous federal regulations affecting the adult education program. Changes to the adult education program should be made with caution.

Delivering quality services to rural communities is challenging. Students in rural areas frequently meet with their adult basic education teachers in public school buildings. In some cases, students in these areas do not live close to a workforce development center and may lack adequate funds for transportation. If adult education funding were transferred from TEA, schools might be less willing for adult students to use their buildings free of charge. Adult basic education providers do not have adequate funds to pay for the use of facilities.

NOTES:

CSHB 362 differs from the bill as filed in that the committee substitute would:

- include public school districts, public junior colleges, and regional education service centers in the list of entities that provide adult education programs, while removing public universities;
- include nonprofit leaders in the list of potential advisory committee members;
- require that at least one business representative and at least one local workforce development board representative serve on the advisory committee;
- add subject areas about which the advisory committee would advise TWC; and
- require TWC to develop and implement performance-based funding for adult education providers.

The companion bill, SB 307 by Huffman, passed the Senate on April 8 and was reported favorably as substituted by the House Economic and Small Business Development Committee on April 17.

SUBJECT: Adding teeth whitening to the practice of dentistry

COMMITTEE: Public Health — favorable, without amendment

VOTE: 11 ayes — Kolkhorst, Naishtat, Coleman, Collier, Cortez, S. Davis, Guerra, S. King, Laubenberg, J.D. Sheffield, Zedler
0 nays

WITNESSES: For — Jennifer Bone, Texas Academy of General Dentistry; Mark Peppard, Texas Dental Association; (*Registered, but did not testify*: Stephanie Gibson, Texas Dental Hygienists Association; Tyler Rudd, Texas Academy of Pediatric Dentistry)

Against — None

On — Lisa Jones, Texas State Board of Dental Examiners; (*Registered, but did not testify*: Glenn Parker, Texas State Board of Dental Examiners)

BACKGROUND: Occupations Code, sec. 251.003, defines the practice of dentistry.

DIGEST: HB 502 would include within the practice of dentistry providing, performing, or offering a teeth-whitening treatment or a related product or service. The bill would define teeth-whitening treatment as a chemical or other material, tool, product, service, or procedure intended to whiten human teeth, excluding over-the-counter products sold to a final consumer.

The bill would take effect September 1, 2013.

SUPPORTERS SAY: HB 502 would protect the public by preventing consumer confusion. Businesses such as those found in shopping mall kiosks that solely offer teeth-whitening treatments are often not operated by dental professionals trained to identify medical issues. These operations sometimes market themselves as “clinics” and have employees wearing medical scrubs. HB 502 would ensure that consumers seeking professional teeth-whitening treatments were not misled about an employee’s level of expertise.

The possible side effects of teeth whitening include severe tooth sensitivity, discoloration, chemical burns, and asphyxiation. Dentists recommend a thorough dental exam to identify possible risks and complications before a teeth-whitening procedure.

Although HB 502 could close some businesses, it is more important to prevent consumers from undergoing potentially dangerous teeth-whitening treatments believing they will be warned about the risks and complications. It also would provide an enforcement mechanism against unlicensed operations, enabling harmed individuals to file a formal complaint with the State Board of Dental Examiners.

**OPPONENTS
SAY:**

The bill is unnecessary and could put legal and safe operations out of business, while increasing costs for consumers of teeth-whitening services. Businesses that solely offer teeth-whitening treatments provide consumers with choices and with a less expensive alternative to a dentist for a very similar treatment, and they should not be regulated without compelling evidence that the regulation is necessary.

SUBJECT: Procedures for political parties for filling precinct chair vacancies

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Morrison, Johnson, Klick, R. Miller, Simmons, Wu
0 nays
1 absent — Miles

WITNESSES: For — Jim McSpadden, Harris County Republican Party; B R “Skipper” Wallace, Republican County Chair’s Association

Against — None

On — Glen Maxey, Texas Democratic Party; (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State Elections Division)

BACKGROUND: Election Code, ch. 171 subch. B describes the structure and organization of county executive committees for political parties that hold primaries. The committee consists of a county chair and a precinct chair from each county election precinct.

A vacancy on a committee is filled by a vote of the committee membership. A majority of the membership must participate in the vote, and the person elected must receive a favorable vote of the majority of the members voting. Vacancies may not be filled before the beginning of the term of office in which the vacancy occurs.

Additionally, a precinct chair vacancy may be filled without the participation of the majority of the membership if:

- only one person is a candidate;
- the person is eligible to serve in the office; and
- the person was elected as precinct chair in the county’s most recent primary election.

DIGEST: CSHB 630 would require parties to adopt rules to determine what

percentage of county executive committee membership constituted a quorum for purposes of filling a vacancy in the office of precinct chair. The person elected would have to receive a favorable vote of the majority of the members voting.

A county chair still would have to be elected by a majority vote of a majority of the committee's membership. The requirement preventing a vacant seat from being filled before the beginning of the term of office in which the vacancy occurred would apply only to a vacancy in the county chair's office.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 630 would help county executive committees to fill vacancies for county and precinct chairs.

When there are vacancies for precinct chairs, parties have trouble providing support to candidates, finding election judges to conduct elections, and performing other essential party activities for which precinct chairs are needed.

County committees have trouble filling precinct chair vacancies with the current requirement for a majority quorum. Large counties often have hundreds of precincts, so requiring a majority quorum means coordinating the schedules and ensuring the participation of hundreds of volunteer precinct chairs. In practice, this is nearly impossible in many counties, so precinct chair positions often remain vacant for long stretches of time because the county executive committee is unable to establish a quorum. In Harris County, there are 1,064 precincts, and the Harris County Republican Party currently has 584 vacancies and only 480 filled precinct chair positions.

At the same time, county executive committees may conduct regular business with a 25 percent quorum. The Harris County Republican Party's executive committee has averaged attendance of 40 percent of members at meetings during the past 18 months. The committee has been able to change bylaws and rules but not fill vacant precinct chairs. By making it easier for committees to reach a quorum for the purpose of filling precinct chair vacancies, CSHB 630 would fix this discrepancy and help

committees function at full capacity and efficiency.

The problem is compounded by the current prohibition against filling vacancies of precinct chairs between the election and the beginning of the precinct chair term. Precinct chairs are elected in March to two-year terms that begin in May. This two-month period could be a crucial time for filling positions in precincts in which chairs remained vacant because no one ran for office. County executive committees need to be able to fill empty positions as quickly as possible so they can start terms with maximum efficiency and participation.

The Legislature already is involved in regulating political parties. To the extent that CSHB 630 affected internal party affairs, it would serve to deregulate the procedure for filling precinct chair vacancies and return the authority to political parties to determine their own rules and procedures.

OPPONENTS
SAY:

By allowing political parties to determine what constitutes a quorum with no mandated minimum, CSHB 630 would increase the influence of corrupting forces in the selection of precinct chairs. Quorum requirements help to preserve the democratic process for filling vacant positions, and weakening the quorum requirements would threaten this process. Under the bill, parties would be able to set low percentages to constitute quorums in these situations and would be incentivized to do so in order to fill the chairs they historically have had trouble filling. This could place the power to elect precinct chairs in the hands of very few people, particularly in small counties where a low percentage could be met by a mere handful of the membership.

OTHER
OPPONENTS
SAY:

The Legislature should not be involved in regulating the internal affairs of political parties. CSHB 630 would constitute unnecessary government interference in the logistical concerns of parties, which are capable of deciding these issues among their own membership and adopting their own rules for these types of issues.

NOTES:

The committee substitute differs from the bill as filed in that it would specify that rules adopted by parties for filling vacancies in precinct chairs required them to determine a percentage of committee membership constituting a quorum and that the chair would need to receive majority approval of the members voting.

SUBJECT: Dismissing certain actions arising from exposure to asbestos and silica

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Lewis, Farrar, Farney, Gooden, Hernandez Luna, Hunter, K. King, Raymond, S. Thompson
0 nays

WITNESSES: For — (*Registered, but did not testify:* George Allen, Texas Apartment Association; Kathy Barber, NFIB/Texas; Bryan Blevins, Jr., Texas Trial Lawyers Association; Mark Borskey, General Electric; Jay Brown, Valero Energy Corp.; David Cagnolatti, Phillips66; George Christian, Texas Association of Defense Counsel; Kevin Cooper, American Insurance Association; Kinnan Golemon, Shell Oil Co.; Hugo Gutierrez, Marathon Oil; Steve Hazlewood, Dow Chemical Co.; Lisa Kaufman, Texas Civil Justice League; John LaBoon; Bill Oswald, Koch Companies; Lee Parsley, Texans for Lawsuit Reform; Steve Perry, Chevron USA; Cary Roberts, U.S. Chamber Institute for Legal Reform; Nelson Salinas, Texas Association of Business; Tara Snowden, Zachry Corp.; Sara Tays, Exxon Mobil; Daniel Womack, Texas Chemical Council)

Against — None

BACKGROUND: The 79th Legislature in 2005 enacted SB 15 by Janek to require persons claiming an asbestos- or silica-related injury to file a report from a board-certified doctor proving that they meet certain medical criteria as proof of significant injury before they can proceed with their action in court. The bill also established a pretrial multidistrict litigation process.

A multidistrict litigation pretrial court decides all pretrial matters related to a claim and remands individual cases to a trial court.

DIGEST: HB 1325 would direct multidistrict litigation (MDL) pretrial courts to dismiss a claim for an asbestos- or silica-related injury that was pending on August 31, 2005, unless the plaintiff filed a medical report on or after September 1, 2013, that appropriately documented and substantiated the injury claim. The MDL pretrial courts would dismiss all such claims before September 1, 2015.

A dismissal would not prejudice the claimant's right to file a subsequent action seeking damages from an asbestos- or silica-related injury. If a claimant refiled a claim that had been dismissed, the refiled action would be treated as if it had never been dismissed but had remained pending until the claimant served the appropriate medical report as proof of injury.

A refiling claimant could serve the petition for relief by certified mail or another method approved by the MDL pretrial court on a person who was a defendant in the first, dismissed action.

Nothing in the bill would be regarded as a decision on the merits of a dismissed action, affect the rights of any party in a bankruptcy proceeding, nor affect the ability of any person to satisfy the claim criteria for compensable claims or demands under a bankruptcy trust under federal law. The tort system rights of any actions dismissed under HB 1325 would be specifically preserved.

The bill would take effect on September 1, 2013.

**SUPPORTERS
SAY:**

HB 1325 would clean up inactive MDL pretrial court dockets by dismissing inactive claims so that both claimants and defendants no longer had unresolved cases pending in the Texas judicial system.

When the 79th Legislature enacted SB 15 in 2005, it created a system where the sickest of those claiming an asbestos- or silica-based injury would advance to court ahead of people who had simply been exposed to asbestos or silica. SB 15 also created a more generous two-year statute of limitations that starts when a plaintiff dies of an asbestos- or silica-related cause or files a report with the court showing that a board-certified doctor has diagnosed the person as suffering from asbestos- or silica-related injuries based on valid medical criteria. In Texas, there are an estimated 60,000 to 80,000 individual plaintiffs with an asbestos-related claim and as many as 5,000 to 6,000 silica claimants. Many of these claimants have initiated proceedings but cannot properly document their injuries, so their claims sit inactive on the MDL pretrial court docket until they can prove their injury claims.

It is important to clean up the inactive dockets because cases that run on indefinitely without a method for dismissal harm several parties. Plaintiffs' lawyers can be caught in an ethical bind by representing clients

whose cases never advance and give plaintiffs unrealistic expectations. Corporate defendants are harmed because they must list these inactive cases against them in reports to regulators and investors, even though most of these cases are stalled because they lack the evidence needed to advance to trial. Finally, the court system would become more efficient through not having to maintain ongoing but inactive claims.

HB 1325 would not harm claimants because they would retain the right to refile should their injuries ever meet the scientifically valid standards. HB 1325 would include specific protections for the rights of claimants. They would continue to benefit from the existing statute of limitations. HB 1325 would provide that, if a case were refiled, the claimant would be put back in the same position legally as if their case had remained pending the entire time. Finally, a claimant could refile simply by sending a petition by certified mail or another court-approved method to the MDL pretrial court.

OPPONENTS
SAY:

HB 1325 would attempt to fix problems that do not exist. Plaintiffs' attorneys are not placed into ethical dilemmas by having clients on the inactive dockets. Attorneys can represent them in good faith knowing that if their clients' health failed, they may eventually meet the medical criteria necessary for their claim to advance. Corporations have an ethical responsibility to report lawsuits against them, inactive or not. Data on inactive cases that could become active are useful to regulators and investors who need to make appropriate decisions when interacting with these defendants. Finally, the court system is not clogged with inactive asbestos and silica claims. All parties agree the MDL pretrial courts have been a success and are able to manage case loads. If anything, HB 1325 would place a burden on MDL pretrial courts, forcing them to examine and then dismiss these cases.

HB 1325 also would place a burden on asbestos and silica claimants by forcing them to refile cases they already had filed. This inconvenience is unnecessary and could be costly to people who may suffer serious health problems arising from being exposed to asbestos or silica.

NOTES:

The committee substitute differs from the bill as filed in that it would:

- direct the MDL pretrial courts to dismiss cases that did not include a required medical report, rather than dismissing them on motion of the defendant;
- treat refiled claims as though they had never been dismissed;

- remove the filed bill's requirement that a refiler prove that the original claim had been timely filed;
- include a statement of legislative intent designed to preserve the rights of all parties from any possible impact of a dismissal.

SUBJECT: Creating the Texas Teacher Residency Program

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 9 ayes — Branch, Patrick, Alonzo, Clardy, Darby, Howard, Martinez, Murphy, Raney

0 nays

WITNESSES: For — (*Registered, but did not testify*: Jennifer Canaday, The Association of Texas Professional Educators; Ann Fickel, Texas Classroom Teachers Association; Jeanne Gerlach, University of Texas at Arlington College of Education and Health Professions; Ted Melina Raab, Texas AFT (American Federation of Teachers); Nelson Salinas, Texas Association of Business; Amanda Thomas, Texas Charter Schools Association; Justin Yancy, Texas Business Leadership Council)

Against — None

On — Priscilla Aquino-Garza, Educate Texas; David Gardner, Texas Higher Education Coordinating Board

DIGEST: CSHB 1752 would create the Texas Teacher Residency Program at a public institution of higher education, which would partner with a school district or open-enrollment charter school to provide employment for teaching residents who were pursuing a master's degree and would offer conditional student loan repayments for participants. The commissioner of higher education would adopt rules as necessary to implement and administer the residency program.

Eligibility. To be eligible for the Texas Teacher Residency Program, an individual would:

- have received an initial teaching certificate not more than two years before applying for a residency slot and have less than 18 months of full-time equivalency teaching experience as a certified teacher;
- hold a bachelor's degree and be a mid-career professional from outside of education with strong content knowledge or a record of achievement; or

- have a bachelor's degree and be a noncertified educator, such as a substitute teacher or teaching assistant.

Selection. The program would establish guidelines for selecting participants, which would include:

- a demonstration of comprehensive subject area knowledge or a record of accomplishment in the field or subject area to be taught;
- strong verbal and written communication skills; and
- attributes linked to effective teaching, as determined by interviews or performance assessments.

Establishment and design of program. The commissioner of higher education would establish the Texas Teacher Residency Program by March 1, 2014, at a public institution of higher education through a competitive selection process. The institution would have developed a commitment to investing in teacher education. The institution would partner with a school district or open-enrollment charter school that would provide employment to the program's participants.

The program would be designed to award teaching residents with a master's degree and lead to teacher certification for participants not already certified.

The bill would require that the higher education institution selected for the residency program identify faculty who could prepare teachers to impact student achievement in high-need schools, provide the faculty adequate time to teach courses and prepare teachers in the program, and value their efforts with rewards linked to the tenure process.

Program components. The residency program would have to include:

- competitive admission requirements with multiple criteria;
- integration of pedagogy and classroom practice;
- rigorous master's level course work required of participants while they served a participating school;
- a team mentorship approach to expose teaching residents to a variety of teaching methods, philosophies, and classroom environments;
- clear criteria for the selection of mentor teachers based on teacher effectiveness and the appropriate subject-area knowledge;
- measures of appropriate progress through the program;

- collaboration with regional education service centers or nonprofit education organizations to provide professional development or other structured learning experiences for teaching residents;
- a livable stipend for teaching residents;
- a post-completion commitment by teaching residents to serve four years at schools that were difficult to staff;
- job placement assistance for residents;
- mentorship, professional development, and networking opportunities for teaching residents up to one year after completion of the program;
- demonstration of the integral role and responsibilities of the partner school district or school in fulfilling the purpose of the program; and
- funds or donations provided by the participating higher education institution, area school district or open-enrollment charter school to demonstrate that the program could be sustained without state or grant funding.

Acceptance of certain funds. The commissioner of higher education could accept and solicit gifts, grants, and donations from public and private entities for the Texas Teacher Residency Program.

Student loan repayments. CSHB 1752 would stipulate that Teach for Texas student loan repayment assistance would be available to individuals who had completed the residency program, obtained teacher certification if they were not already certified, taught four years full-time in grades K-12 at a school experiencing a critical shortage of teachers or where at least 75 percent of the students are educationally disadvantaged.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 1752 would create a comprehensive master's level teacher preparation program to address a critical shortage of quality teachers in many of Texas' most underserved public schools. It would help struggling schools by launching a long-overdue apprenticeship program, encourage the pursuit of graduate education, and provide students who wanted to teach with the financial means and professional support to enter and stay in the classroom.

CSHB 1752 would foster a strong partnership between an institution of higher education and schools in the same community. The program would

prepare a new wave of educators with the best practices for teaching at schools that struggle to attract experienced or qualified teachers. The campuses targeted by the program often would be in urban areas or far-flung rural communities with economically disadvantaged students. The residency program would be modeled after programs in Boston, Memphis, and Chicago that have successfully steered teacher residents to practice in underserved areas.

Teacher retention is a key challenge in Texas, which lacks state programs to incentivize teacher retention in school districts that have the highest needs. CSHB 1752 would ensure that teaching residents received adequate professional development, networking opportunities, and other support tools to help reduce the exodus from the profession that particularly affects struggling schools. In the 2008-2009 school year, about 38 percent of Texas public school teachers had five or fewer years of teaching experience, according to data compiled by the Texas Education Agency.

The residency program would help challenge this trend. Teacher residents would be required to work for four years in underserved communities to be eligible for the student loan repayment program. This measure, which would use the Teach for Texas loan repayment program, would open doors to those who could not otherwise afford to pursue a graduate degree. Teachers who have used the Teach for Texas loan repayment program the past several years have reported an average student loan debt of \$32,000, according to state officials. The loan repayment would improve the economy by increasing the state's overall education level.

Although the Legislative Budget Board estimated the bill could result in a two-year cost of \$2.6 million, if funded by the Legislature, the rewards for cultivating teachers in critical areas far outweigh any short-term fiscal impact. One important provision of the bill is that it would require the participating higher education institution, area school district, or open-enrollment charter school to show it could sustain the program without financial help from state or grant funding.

While some question the value of such a program in improving student outcomes, the bill would help those with mastery of a subject area learn how to successfully convey information to students. It is designed to improve the quality of instruction, which would lead to improved student achievement.

**OPPONENTS
SAY:**

CSHB 1752 is not necessary, nor would it be a responsible expenditure of state funds for a profession that already has an ample workforce. The bill would cost the state \$2.6 million in general revenue related funds in the 2014-15 biennium, according to the Legislative Budget Board. With no clear indication that these master's degrees lead to student improvement, CSHB 1752 would be an unnecessary shifting of money away from more pressing needs.

NOTES:

The committee substitute differs from the bill as introduced by:

- specifying that the participating higher education institution be a public institution;
- adding nonprofits and removing community experts from the list of collaborators that would provide professional development;
- specifying a minimum of four years as the commitment a teaching resident would have to make to serving at a school in need;
- adding a requirement for the participating higher education institution, partner school district, or open-enrollment charter school to demonstrate that the program could be sustained without state funds or grants;
- changing to 18 months from nine months the maximum teaching experience allowed for certain candidates; and
- stipulating that the higher education commissioner could solicit and accept gifts, grants, and donations for the program.

According to the LBB's fiscal note, the bill is projected to cost about \$2.6 million in fiscal 2014-15 for personnel costs and training.